

**REMARKS**

Claims 1-17, 23-25 and 27 are pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Claim 1 is the sole independent claim.

**ALLOWABLE SUBJECT MATTER**

Applicant appreciates the Examiner's indication that claims 9, 13, 14 and 27 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. However, Applicant respectfully submits that claims 1-8, 10-12, 15-17 and 23-25 are also allowable in view of the foregoing amendments and following remarks.

**CLAIM REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 6-8, 23 and 24 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Grumazescu, US Patent 5,809,157. The rejection is respectfully traversed.

Grumazescu fails to disclose or suggest a miniature actuator comprising at least: a moveable diaphragm positioned between a first and second flux generator, the moveable diaphragm having a magnetic permeable material which forms part of a magnetic flux path of the actuator and thereby being moveable in response to the generated first and second magnetic fluxes, as recited in claim 1.

Grumazescu discloses a loud speaker having stationary units 31 and 32, a mobile unit 33 and an enclosing assembly 34 (Fig. 7). Grumazescu further discloses a moveable diaphragm 45 positioned between a pair of stationary magnets 39, 40, and a movable magnet 41 attached to the diaphragm 45 in response to magnetic forces exerted on magnet 41 caused by drive currents applied to coils 35, 36 (col. 5, line 61- col. 6, line 1). Further, Grumazescu discloses that the

elastic element 42, spoked frame 43, and housing 44 are made of light diamagnetic materials (col. 6, lines 14-18). However, it is respectfully submitted that Applicant's invention discloses a moveable diaphragm having a magnetic permeable material. In other words, it is respectfully submitted that diamagnetic material is not the same material as a permeable magnetic material.

Further, as Grumazescu discloses that the moveable diaphragm 45 is made from a diamagnetic material (non-permeable magnetic material), it is respectfully submitted that it is inherent the diaphragm 45 of Grumazescu cannot form part of a magnetic flux path of the loud speaker in response to the generated first and second magnetic fluxes because the diaphragm 45 fails to include magnetically permeable elements suitable for such function.

Accordingly, Grumazescu fails to disclose or suggest the moveable diaphragm position between the first and second flux generator, the moveable diaphragm having a magnetic permeable material which forms part of a magnetic flux path of the actuator and thereby being moveable in response to the generated first and second magnetic fluxes, as recited in claim 1.

Because Grumazescu does not disclose each and every feature of the claimed invention, it cannot provide the basis for rejection under 35 U.S.C. § 102. Thus, it is respectfully requested that the rejection be withdrawn.

#### **CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claims 4, 5, 10-12, 15-17 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Grumazescu. The rejection is respectfully traversed.

As discussed above, Grumazescu neither discloses or suggests Applicant's claimed invention as found in Claim 1, the independent claim from which these rejected claims depend, and thus fails to overcome the noted deficiency of Grumazescu.

Further, one of ordinary skill in the art would not have been motivated to modify the teachings of Grumazescu with any expectation of success because the diaphragm magnet 41 attached to the diaphragm 45 makes the assembly very heavy which makes it inefficient and unsuitable for low powered miniature applications. Thus, nowhere in Grumazescu is there motivation to modify the invention in the matter asserted by the Office Action. In the absence of any motivation to do so, one of ordinary skill in the art would not have modified the resulting combination as recited in the Office Action to obtain the claimed invention.

For at least these reasons, Grumazescu fails to disclose or render obvious the features recited in independent claim 1. Claims 2-17, 23-25 and 27, which depend from independent claim 1 are likewise distinguishable over the applied art for at least the reasons discussed, and for the additional features they recite. Reconsideration and withdrawal of the rejection are respectfully requested.

### **CONCLUSION**

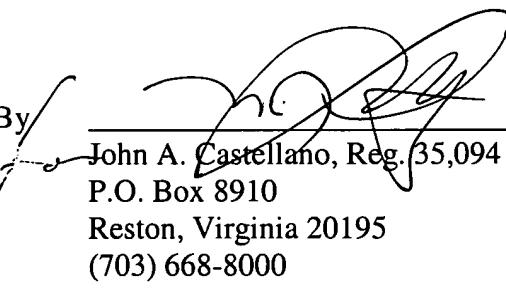
In view of the above amendments and remarks, reconsideration of the rejections and allowance of claims 1-17, 23-25 and 27 is respectfully requested.

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-17, 23-25 and 27 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **David J. Cho, Reg. 48,078** at the telephone number of the undersigned below.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By  45,274  
John A. Castellano, Reg. 35,094  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/DJC/krf